

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

COREY GRAHAM,

Defendant.

8:10CR202

ORDER

This matter is before the court on the defendant's request for a copy of the "Docket Report" (Filing No. 34). The defendant states the request is based on his need to make more specific requests for entries in support of his post-conviction efforts. The defendant pleaded guilty to possession with intent to distribute methamphetamine and was sentenced on March 30, 2011. The court entered judgment the same day. **See** Filing No. 31. The defendant has not filed a motion for post-conviction relief.

Under Rule 6(b) of the "Rules Governing Section 2255 Cases in the United States District Courts," a party requesting discovery must provide reasons for his requests and must specify any requested documents. Also, under [28 U.S.C. § 2250](#), if a petitioner is permitted to prosecute a petition for a writ of habeas corpus in forma pauperis, "the clerk of any court of the United States shall furnish to the petitioner without cost certified copies of . . . the record . . . as may be required by order" [28 U.S.C. § 2250](#). The statute contemplates the filing of a motion for collateral review of a conviction before free copies of the record are furnished to the moving party. **See** [Chapman v. United States](#), 55 F.3d 390, 390-91 (8th Cir. 1995) (stating any request for a free transcript prior to the filing of a section 2255 motion is premature). Accordingly, the court finds the motion should be denied at this time without prejudice to reassertion after filing a section 2255 petition or other timely motion. Upon consideration,

IT IS ORDERED:

The defendant's request for a copy of the "Docket Report" (Filing No. 34) is denied.

Dated this 16th day of August, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge